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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,138	10/11/2000	Ju-Heon Lee	P56181	4552

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EXAMINER

NGUYEN, TANH Q

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,138

Applicant(s)

LEE, JU-HEON

Examiner

Tanh Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,16-28,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,21-28,31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/28/06; 04/10/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I (claims 1-2, 4-8, 21-28, 31-32) in the reply filed on July 27, 2006 is acknowledged. The traversal is on the ground(s) that the restriction requirement is improper because all the claims of Groups I and II were previously searched and allowed, and thus there is no additional burden to the examiner. This is not found persuasive because the burden to the examiner is in the examination of two inventions in the same application - not on whether the claims of Groups I and II were previously searched and allowed.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 16-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 27, 2006.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application, by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the signed declaration is not legible.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 22-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The examiner cannot find any support in the specification for "a spring biased to push said cover away from said housing to cover said integrated circuit memory when no pressure is applied to said spring".

7. Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 24 recites the limitation "said housing" in line 2 and "said housing" in line 3. There are insufficient antecedent bases for the limitations in the claim.

8. The rejections that follow are based on the examiner's best interpretation of the claims.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2,4-8, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacHASP USB - Software Protection via the USB by Aladdin Knowledge System published October 1998 (hereinafter MacHASP) in view of Liu (CN2032364U), and further in view of Ban et al. (US 6,148,354).

11. As per claim 1, MacHASP teaches a portable memory device for a USB-supporting data processing system [MacHASP USB connects to the new industry-standard USB which is standard equipment on new generations Mac computers], the memory device comprising:

a USB connector [USB Type A connector] for being connected to a USB port of the data processing system [protects software via any available USB port; MacHASP USB connects to the new industry-standard USB which is standard equipment on new generations Mac computers];

an integrated circuit memory for writing/reading data [90 bytes or read/write memory].

MacHASP does not teach a connector cover protecting the USB connector from damage, the connector cover capable of sliding automatically backwards upon insertion of the portable memory device into the USB port exposing the USB connector.

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Liu teaches an electrical plug having an electrical connector and a connector cover sliding automatically backward upon insertion of the electrical plug into an electrical socket and exposing the electrical connector - in order to protect the electrical connector.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a connector cover on the portable memory device, the connector cover sliding automatically backward upon insertion of the portable memory device into the USB port (as Liu would have suggested to one skilled in the art) in order to protect the USB connector.

MachASP/Liu does not specifically teach a USB interface coupled between the USB connector and the memory - for interfacing the memory with the data processing system.

Ban teaches a USB interface [56, FIG. 5] coupled between a USB connector [52, FIG. 5] and a memory [58, FIG. 5] for interfacing the memory with a data processing system [44, FIG. 5].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a USB interface between the USB connector and the memory, as is taught by Ban, in order to interface the memory with the data processing system.

12. As per claims 2, 4-8, MachASP teaches the memory being a nonvolatile semiconductor memory [memory data retention at least 10 years];

the memory device being worked as a portable memory device of the data

processing system [the 90 Bytes of read write memory are indicated as being used to save passwords, user or application specific information, and parts of your source code);

the memory device supporting a plug and play function, and the USB connector being capable of being connected and separated to/from the USB port of the data processing system while the data processing system is powered on [Hot swappable, and furthermore plug and play is a characteristic of USB devices];

the memory device storing a security information, the data processing system storing a security information to verify an authorized user, the data processing system starting to work when the security information of the memory device is matched with the security information of the data processing system [the 90 Bytes of read write memory are indicated as being used to save passwords, user or application specific information; Each MacHASP USB contains a unique code for each software developer, which is recognized by the protected software. During runtime, the protected application checks whether a MacHASP USB with the correct code is connected to the computer's USB. If the MacHASP USB code is confirmed, the application is executed. If not, the application will not run].

13. As per claims 21-23, Liu teaches the plug having the connector and the connector cover sliding automatically backward upon insertion of the plug into the socket and exposing the connector - hence backward being a direction that is opposite the direction of insertion of the plug into the socket; a spring coupled between the connector cover and a housing, the spring being biased to push the cover away from

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the housing to cover the connector when no pressure is applied to the spring, and the spring being compressed upon insertion of the plug into the socket [see drawing on front page] - hence in combination with MacHASP teaches backward being a direction that is opposite the direction of insertion of the memory device into the USB port; a spring coupled between the connector cover and a housing of the memory device, the spring being biased to push the cover away from the housing to cover the connector when no pressure is applied to the spring, and the spring being compressed upon insertion of the portable memory device into the USB port.

14. As per claim 24, Liu teaches the cover having a ridge protruding from a side portion of the cover that engages a concave groove in a housing enabling the cover to slide forward and backward with respect to the housing [see drawing on front page]. Furthermore, a convex ridge and a concave groove are well known to be used as guides to allow a component to slide on another component, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to use such components in order to guide the cover and to allow the cover to slide with respect to the housing.

15. Claims 25-28, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (US 6,038,320) in view Crisan (US 6,292,890) and further in view of Liu (CN2032364U).

16. As per claims 25-28, Miller teaches a method of securing a host computer system [Fig. 6] having steps of applying power to the host computer (100), determining if a USB device 40 is connected to the computer (110), (if security is enabled)

comparing security information (key code) in the host computer with that of the USB device and enable the hard disk drive (after the password entered by the user is verified) of the host computer if security information of the device matched with the security information store in the memory of the host computer [col. 4, lines. 51-62 and step 200]. Please note that connecting a device prior to power up, booting the host comprising loading an operating system are inherent during the power up and booting of the computer. Please further note the claim does not exclude the presence of the step of checking for the enablement of the security and matching of user's password.

Miller does not teach the step of displaying an error message if the USB device is not connected or the security information does not match. Crisan teaches that it is common for error to be displayed for error encountered during the boot up process [background: col. 1, line 46 to col. 2, line 22].

It would have been obvious to one having ordinary skill in the art to implement the teaching of displaying error message when an error is encountered during the boot up process, as is taught by Crisan, in order to inform the user of the status/progress of the boot up process.

Please note password is a sequence of characters (numbers, characters or a combination therefore) used to compare against a stored list of authorized codes and users. The key code of the security key 40 is therefore the password of the security key since it is used to compared against a stored code in the BIOS flash memory 24 [col. 3, lines 1-7].

Miller/Crisan does not teach said attaching step comprising automatically sliding

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a cover on said USB security device backward in a direction opposite to a direction of inserting the USB security device into the USB port when the USB security device is attached to the USB port of the host computer.

Liu teaches an electrical plug having an electrical connector and a connector cover sliding automatically backward upon insertion of the electrical plug into an electrical socket and exposing the electrical connector - in order to protect the electrical connector.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a connector cover on the USB security device, the connector cover sliding automatically backward upon insertion of the USB security device into the USB port (as Liu would have suggested to one skilled in the art) in order to protect the USB connector.

17. As per claim 31, Miller teaches the USB security device comprising a USB connector [48, FIG. 3] for being connected to the USB port [31, FIG. 2] of the host computer [20, FIG. 2], an integrated circuit memory [46, FIG. 3] for writing/reading data, and a USB interface [42, FIG. 3] coupled between the USB connector and the memory, for interfacing the memory with the data processing system.

18. As per claim 32, the claim generally corresponds to claim 31 and is rejected on the same basis.

Double Patenting

19. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the

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unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

20. Claims 1, 24 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 21, 26-28 of copending Application No. 11/410,105. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of claims 1 and 24 of the current application can be mapped out with claims 21, 26-28 of the copending application.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

21. Claims 2, 4-8, 21-23, 25-28, 31-32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 21, 26-28 of copending Application No. 11/410,105 in view of Miller, MachASP, and/or Ban. See teachings of Miller, MachASP and Ban above.

This is a provisional obviousness-type double patenting rejection.

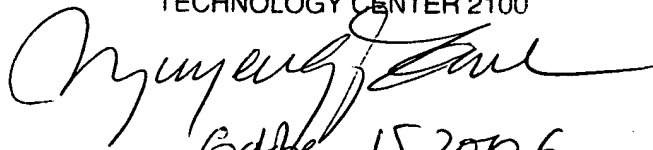
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TQN
October 15, 2006

TANH Q NGUYEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

October 15, 2006